

REMARKS

Reconsideration and allowance are requested. The Examiner rejected pending claims 1 - 53. No claims have been amended.

A. Rejection of Claims 1–4, 6-7, 9-17, 19-20, 22-30, 33-39, 41-48 and 50-53 rejected under 35 U.S.C. §103(a)

Applicants received the Advisory Action with a further clarification of the Examiner's position on the interpretation of the Vrvilo et al. reference. Applicants previously argued that Vrvilo et al. does not teach a client/server arrangement but rather a peer-to-peer conferencing application and thus one of skill in the art would not have sufficient motivation to combine these references. Applicants provide further arguments herein in view of the discussion in the Advisory Action that clarifies the Examiner's position regarding the teachings of Vrvilo et al.

The Advisory Action attempts to establish that Vrvilo et al. teach a client/server environment but Applicants respectfully maintain that when the arguments are fully analyzed, it would be clear to one of skill in the art that Vrvilo et al. fail to teach a client/server network environment. The Advisory Action cites col. 42, lines 47 – 65 stating “for the host processor within the host system and the APPLICATION PROGRAM as the client and using the local monitor for displaying to users.” The Advisory Action appears to seek from the citation of col. 42 that Vrvilo et al. teach that the host system is a server and the application program is a client. Previously, the Examiner had argued that the monitor 106 of Vrvilo et al. was the “client” of the computer host processor. However, this position is restated in the Advisory Action and the Advisory Action now interprets the conference application that runs on the host processor as the client. (Applicants assume that the Examiner has withdrawn the interpretation of the monitor as the client to the host processor. Otherwise, the Patent Office cannot maintain the confusing position that so many elements taught by Vrvilo et al. are

“clients”). In addition, the Advisory Action asserts to “further clarify the issue” by explaining that “the client is eventually the application program” citing col. 69, lines 5 – 38.

This portion of Vrvilo et al. states:

The unreliable protocol provides for logical channels and virtualization of the two Basic Rate ISDN B-channels. Logical channels are local site entities that are defined between the DLM and TII is layer and the **client (i.e., application program)** using them. The logical channels provide the primary mechanism clients use to send multiple data types (e.g., audio, video, data). The layer services multiplex these data types together for transmission to the remote sites.

In a preferred embodiment, logical channel zero is used as a control channel. Site peers (i.e., two conferencing systems in a conferencing session) use this control channel to exchange information on their use of other logical channels. Logical channels are half-duplex. Therefore, two channels are necessary to send and receive data. A priority attribute is associated with a logical channel (and therefore with a data type). The unreliable protocol asserts that higher priority data will always be sent ahead of lower priority data when both are pending. Priorities are assigned by an API call to the TII services. Audio has the highest priority, then data, and last video.

Although the ISDN Basic Rate Interface (BRI) defines two physical 64 kbit/second B channels for data, the services at both DLM and TII virtualize the separate B-channels as a single 128 kbit/second channel. Client data types, defined by their logical channels, are multiplexed into a single virtual stream on this channel. In a preferred embodiment, this inverse multiplexing is accomplished by breaking all packets into an even number of fragments and alternating transmission on the two B-channel connections. Initially, after channel establishment, the first fragment is sent on the B1-channel, the second on the B2-channel, etc. At the receiving site, fragments are collected for reassembly of the packet. (emphasis added)

Applicants do not dispute that the conference application programs are discussed in terms of being “clients” in Vrvilo et al. However, they are not clients in the client/server context. The application software is simply a client that communicates data with the conference manager services application. FIG. 5 illustrates the point. In FIG. 5, the conference manager 544 communicates with several conferencing applications 502 and 504. These conferencing applications communicate through the manager and are considered “clients” of the software manager. However, there is simply no “server” on Vrvilo et al. The Advisory Action alludes to the argument that the host processor 202 of FIG. 2 is the server. But that cannot be the case because col. 5, lines 12 – 29 state that the “audio/video

conferencing application 502 running on host processor 202 provides the top-local local control of audio and video conferencing between a local conferencing system (i.e., local site or endpoint) and a remote conferencing system (i.e. remote site or endpoint). “ The data conferencing application 504 also runs on the host processor 202. Therefore, the host processor running the client application cannot function as a server as the Advisory Action hints. Otherwise, you have the illogical conclusion that the “client” software runs on the “server” processor.

Applicants respectfully note that the term “server” is nowhere to be found in the large specification of Vrvilo et al. The host processor 202 cannot be a server based on the Examiner’s own position. In FIG. 1, the conference system A 100 and conference system B 100 each have conferencing applications (502, 504) that are client software applications to their respective conferencing managers 544. FIG. 5 illustrates the system software architecture 100 that operates on each conferencing system A and B. In other words, each conference system has a host processor that runs the conferencing application and are thus each “clients” according to the Examiner’s position. This supports Applicants argument that these are peer conferencing systems and not client/server networks. Applicants’ position that these are peer systems communicating with each other is amply supported by Vrvilo et al. See, e.g., col. 20, lines 1 – 7 (peer application running on a remote machine); Col. 69, lines 15 – 16 (site peers are two conferencing systems in a conferencing session); Col. 9, lines 44 – col. 10, lines 44 (multiple references to peer applications during a video call); Col. 22, lines 10 – 23 (peer application or peers in a multipoint environment), etc. There are a multitude of references within Vrvilo et al. of the peer environment and peer applications communicating with each other in a conference setting. There is not a single reference in the 103 pages of Vrvilo et al. to a server. There is also no reference to the conferencing applications as clients communicating with a server. They only communicate with the conference management software – which runs on the same host processor as the conference applications.

Accordingly, Applicants respectfully submit that based on the analysis above as well as Applicants' previous arguments, that Vrvilo et al. does not teach a client/server network environment as would be understood by one of skill in the art. The multitude of references to "peer" communications in Vrvilo et al. makes it clear that they do not teach "client and server communication" as the Advisory Action asserts. The conference applications (502, 504) are merely clients of the conference management software 544 but that concept should not be expanded to be interpreted as the reference teaching that they are "clients for the system" as the Advisory Action mentions.

Based on the above arguments, Applicants submit that the other criteria for the obviousness combination are not established. For example, given the differences between a client/server system and the peer to peer conference system, one of skill in the art would not have a reasonable expectation for success. Simply having a desire to improve the quality of a display does not provide a reasonable expectation of success given the different structures. Applicants also do not acquiesce to the conclusion that even if appropriately combined these two references teach all the claim limitations.

Therefore, Applicants respectfully request that the Examiner reconsider the combination of Vrvilo et al. with Goetz. Because Vrvilo et al. fail to teach a client/server environment as suggested by the Advisory Action, one of skill in the art by a preponderance of the evidence, would not be motivated to combine these references. Therefore, claims 1-4, 6-7, 9-17, 19-20, 22-30, 33-39, 41-48 and 50-53 are patentable and in condition for allowance.

Claims 2-13 depend from claim 1 and recite further limitations therefrom. Accordingly claims 2-13 are also patentable over the cited art.

Independent claim 14 and its dependent claims 15-26 are also patentable as well as independent claim 27 with its dependent claims 28-35, as well as independent claim 36 and dependents claims 37-45, and independent claim 46 and its dependent claims 47-53.

CONCLUSION

Having addressed the rejection of claims 1 -53, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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